

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSE N. BETETA,

Plaintiff,

v.

GRAY,

Defendant.

No. 2:22-cv-00037-DAD-CKD (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND GRANTING
UNOPPOSED MOTION TO DISMISS
CERTAIN CLAIMS

(Doc. No. 21, 27)

Plaintiff Jose N. Beteta is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 5, 2022, the assigned magistrate judge issued findings and recommendations recommending that defendant's unopposed motion to dismiss plaintiff's claims against defendant Gray in his official capacity (Doc. No. 21) be granted. (Doc. No. 27.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) No objections have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and proper analysis.

Accordingly,

1. The findings and recommendations issued on October 5, 2022 (Doc. No. 27) are adopted in full;
2. Defendant's motion to dismiss plaintiff's claims against him in his official capacity (Doc. No. 21) is granted;
3. This action shall proceed only on plaintiff's claims against defendant in his individual capacity; and
4. This action is referred back to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: November 17, 2022


UNITED STATES DISTRICT JUDGE